

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RONALD K. JOHNSON,

Plaintiff,

v.

RONALD VAN BOENING, *et al*,

Defendants.

Case No. C07-5426RBL-KLS

ORDER DENYING PLAINTIFF'S
APPLICATION FOR COURT-
APPOINTED COUNSEL

This matter has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1), Local Magistrates Rules MJR 3 and 4, and Rule 72 of the Federal Rules of Civil Procedure. The case is before the Court upon plaintiff's filing of an application for court-appointed counsel. (Dkt. #14). Plaintiff has been granted *in forma pauperis* status in this case. After reviewing the motion and the balance of the record, the Court finds and ORDERS as follows:

There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. While the court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding *in forma pauperis*, it may do so only in exceptional circumstances. Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986); Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir. 1984); Aldabe v. Aldabe, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation of both the likelihood of success on the merits and the ability of plaintiff to articulate his claims *pro se* in light of the

1 complexity of the legal issues involved. Wilborn, 789 F.2d at 1331.

2 Here, plaintiff has not shown a likelihood of success on the merits or that the legal issues involved
3 in this case are necessarily complex. Indeed, he has presented no specific reasons as to why he believes
4 counsel should be appointed at government expense in his case. Accordingly, plaintiff's application for
5 court-appointed of counsel (Dkt. #14) hereby is DENIED.

6 The clerk is directed to send a copy of this Order to plaintiff.

7 DATED this 11th day of February, 2008.

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11 Karen L. Strombom
12 United States Magistrate Judge
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